

**Notice of Allowability**

Application No.

10/072,503

Examiner

Vanel Frenel

Applicant(s)

UZZO ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/8/07.
2. ☒ The allowed claim(s) is/are 1,2,4-7,9,10,24,25,27,30 and 32-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |                                                                                                            |                                                                                        |
|------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)                                           | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|                                                                                                            | 9. <input type="checkbox"/> Other _____.                                               |

## **DETAILED ACTION**

### **Notice to Applicant**

1. This communication is in response to the RCE filed on 6/8/07. Claims 1, 2, 4-7 and 24-25 have been amended. Claims 3, 8, 26, 28-29 and 31 have been cancelled. Claims 32-37 have been newly added. Claims 1, 2, 4-7, 9-10, 24-25, 27, 30 and 32-37 are pending.

### ***Allowable Subject Matter***

2. Claims 1, 2, 4-7, 9-10, 24-25, 27, 30 and 32-37 are allowed. The following is an examiner's statement of reasons for allowance and light of Applicant's amendment.

Independent claim 1 is directed to "a database accessible by the computer containing a plurality of data associated with customer fuel storage levels for a plurality of customer accounts; a plurality of functional software modules executing on the computer by which one of the plurality of fuel dealers selectively manipulates the plurality of data associated with a particular customer storage location; comprising an administrative software module allowing the plurality of fuel dealers to create new customer accounts and administer existing customer accounts, a management software module allowing the plurality of fuel dealers to query the database for customer information associated with their customer accounts, a schedule software module for optimizing fuel deliveries to their customers account storage locations, and an authorization software module for securing the system such that authorized fuel dealers are allowed access to their customer account information and a customer is permitted to

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view the storage level of a fuel at the customer's storage location, wherein a plurality of fuel dealer computers access the computer, each fuel dealer having a plurality of customer accounts to whom they supply fuel, each fuel dealer accessing the computer system via the authorization software and administering customer accounts via the administrative software".

The closest prior art of record, Mowery et al (5,983,198) discloses integrated system monitoring use of materials, controlling and monitoring delivery of materials and providing automated billing of delivered materials.

Salvo et al (6,341,271) discloses inventory management system and method.

However, none of the prior art cited above fairly discloses/suggests "a database accessible by the computer containing a plurality of data associated with customer fuel storage levels for a plurality of customer accounts; a plurality of functional software modules executing on the computer by which one of the plurality of fuel dealers selectively manipulates the plurality of data associated with a particular customer storage location; comprising an administrative software module allowing the plurality of fuel dealers to create new customer accounts and administer existing customer accounts, a management software module allowing the plurality of fuel dealers to query the database for customer information associated with their customer accounts, a schedule software module for optimizing fuel deliveries to their customers account storage locations, and an authorization software module for securing the system such that authorized fuel dealers are allowed access to their customer account information and a customer is permitted to view the storage level of a fuel at the customer's storage

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location, wherein a plurality of fuel dealer computers access the computer, each fuel dealer having a plurality of customer accounts to whom they supply fuel, each fuel dealer accessing the computer system via the authorization software and administering customer accounts via the administrative software".

Independent claim 24 is directed to "an authorization software module allowing authorized fuel dealers are allowed access to their customer information and a customer is permitted to view the storage level of a fuel at the customer's storage location; an administrative software module facilitating the creation and administration of customer accounts; wherein a plurality of fuel dealer computers access the computer, each fuel dealer having a plurality of customer accounts to whom they supply fuel, each fuel dealer accessing the server via the authorization software and administering customer accounts via the administrative software".

However, none of the prior art cited above fairly discloses/suggests "an authorization software module allowing authorized fuel dealers are allowed access to their customer information and a customer is permitted to view the storage level of a fuel at the customer's storage location; an administrative software module facilitating the creation and administration of customer accounts; wherein a plurality of fuel dealer computers access the computer, each fuel dealer having a plurality of customer accounts to whom they supply fuel, each fuel dealer accessing the server via the authorization software and administering customer accounts via the administrative software".

Independent claim 32 is directed to "a measurer installed at a customer location, generating a fuel signal indicative of a fuel level at the customer location; a communicator wirelessly coupled to said measurer and receiving the fuel signal; said communicator coupled to said computer via a communications network, said computer receiving the fuel signal; an authorization software module allowing a fuel dealer to access customer accounts associated with the fuel dealer, said authorization software allowing a customer to access information relating to the customer's fuel level; an administration software module allowing a fuel dealer to create new customer accounts and enroll new customer locations to be monitored; wherein a plurality of fuel dealer computers access the computer, each fuel dealer having a plurality of customer accounts to whom they supply fuel, each fuel dealer accessing the computer system via the authorization software and administering customer accounts via the administrative software".

However, none of the prior art cited above fairly discloses/suggests "a measurer installed at a customer location, generating a fuel signal indicative of a fuel level at the customer location; a communicator wirelessly coupled to said measurer and receiving the fuel signal; said communicator coupled to said computer via a communications network, said computer receiving the fuel signal; an authorization software module allowing a fuel dealer to access customer accounts associated with the fuel dealer, said authorization software allowing a customer to access information relating to the customer's fuel level; an administration software module allowing a fuel dealer to create new customer accounts and enroll new customer locations to be monitored; wherein a

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plurality of fuel dealer computers access the computer, each fuel dealer having a plurality of customer accounts to whom they supply fuel, each fuel dealer accessing the computer system via the authorization software and administering customer accounts via the administrative software".

Claims 2, 4-7, 9-10, 25, 27, 30 and 33-37 incorporate the features of claims 1, 24 and 32 through their dependencies, and are also allowed for the same reasons given above.

### **EXAMINER'S AMENDMENT**

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Steven B Simonis on August 30<sup>th</sup>, 2007. During the interview Attorney agreed to change the dependency of claim 27 into claim 24. No further questions were discussed and no further amendments were made.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zeender Ryan Florian can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

V.F  
V.F

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 9/4/07  
F. RYAN ZEENDER  
SUPERVISORY PATENT EXAMINER